

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and Virgil Parker, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 71-C-1

Tracts Nos. 711M-1 and
711M-2

J U D G M E N T

1.

NOW, on this 26 day of February, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estate condemned in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on January 4, 1971, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tracts, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the estate taken in subject tracts were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estate taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject tracts and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tracts and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estate described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the estate taken herein in these tracts is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tracts as follows:

TRACTS NOS. 711M-1 and 711M-2

OWNERS:

Virgil Parker and
Frances May Parker

Award of just compensation, pursuant to Stipulation - - - - -	\$400.00	\$400.00
Deposited as estimated compensation - - - - -	120.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$400.00
Deposit deficiency - - - - -	\$280.00	

13.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tracts, the deficiency sum of \$280.00, and the Clerk of this Court then shall disburse, from the deposit in this case, to

Virgil Parker and
Frances May Parker, jointly, the sum of - - - \$400.00.

/s/ Luther Rohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

INTER NATIONAL BANK OF MIAMI,)	
)	
Plaintiff)	
)	
vs)	NO. 70-C-20
)	
COMMUNITY NATIONAL LIFE INSURANCE)	
COMPANY,)	
)	
Defendant)	

MOTION TO DISMISS WITHOUT PREJUDICE

Comes now the plaintiff and defendant and shows this Honorable Court that plaintiff's claim against the defendant Community National Life Insurance Company has been duly filed in the receivership proceedings now pending in the District Court of Tulsa County, entitled: The State of Oklahoma Ex Rel Joe B. Hunt, Insurance Commissioner, Plaintiff, vs. Community National Life Insurance Company, an Oklahoma Life Insurance Corporation, Defendant, Court No. C-69-652; and that said plaintiff has been accorded creditor's status and that the rights of plaintiff will be fully adjudicated in said receivership proceedings, and that this action should therefore be dismissed without prejudice to the rights of plaintiff.

FILED
MAR 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

BEST, SHARP, THOMAS & GLASS

By: _____
Attorneys for Plaintiff

BOONE, ELLISON & SMITH

By: _____
Attorneys for Defendant

ORDER

NOW, on this 3rd day of March, 1971, pursuant to joint application of the parties, plaintiff's action is dismissed without prejudice.

Judge

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF OKLAHOMA

DANIEL PRESTON FOWLER, a Minor,)
by and through his father and)
next friend, EARL W. FOWLER, and)
EARL W. FOWLER, Personally,)

Plaintiffs,)

vs.)

No. 72-C-184

ROBERT MACK BOLTON,)

Defendant.)

J U D G M E N T

This action came on for trial before the Court and a jury being waived, the Honorable Judge Luther Bohanon, United States District Judge, presiding, and the issues having been duly tried the Court entered its judgment, it is ordered and adjudged that Earl W. Fowler, personally, have judgment against the defendant in the amount of \$1,500.00 and that Earl W. Fowler, as father and next friend of Daniel Preston Fowler, a minor, have judgment in the amount of \$2,500.00.

Dated at Tulsa, Oklahoma, on this 2nd day of March, 1971.

Luther Bohanon
Clerk of the Court
U. S. District Judge

FILED
MAR - 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

GEORGE H. CRAMER,
Plaintiff,

vs.

HAPPY BUDDHA, JR., INC.
& DAVID S. JAMES,
Defendants.

No. 70-C-259

FILED
MAR - 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

Now on this 18TH day of Feb.,
1971, upon agreement of the parties, the Court does herewith
find the issues in favor of the plaintiff and against the
defendants and fixes the amount of plaintiff's recovery in
the sum of \$1,750.00, with interest thereon at the rate of
Ten Per Cent (10%) per annum from the date of the filing of
this Judgment.

St. Luther Bohannon
JUDGE OF THE UNITED STATES
DISTRICT COURT

APPROVED:

Robert L. Shepherd
Robert L. Shepherd,
Attorney for Plaintiff

David S. James
David S. James
Defendant

Gerald G. Stamper
Gerald G. Stamper
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

JOE ELLINGTON,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY
COMPANY, a Corporation,
Defendant.

No. C-70-290

FILED

MAR 3 1971

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

ORDER OF DISMISSAL

Upon the motion of plaintiff and defendant for an order dismissing this
action with prejudice for the reason that said case has been settled by agreement,
it is,

Ordered pursuant to Rule 41 (a) (2) of the Federal Rules of Civil Procedure
that the actions herein are dismissed with prejudice.

Dated this 23rd day of February, 1971

Lawrence D. ...
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Leon Moore and Eva Mae
Moore,

Defendants.

Civil No. 70-C-350

FILED
MAR - 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 3 day of March,
1971, the defendants, Leon Moore and Eva Mae Moore, appearing not; and

The Court being fully advised and having examined the file
herein finds that due and legal service by publication was made upon the
defendants, Leon Moore and Eva Mae Moore, as appears by Proof of Publication
filed herein on February 26, 1971, requiring each of them to answer the
Complaint filed herein not later than February 22, 1971, and it appearing
that said defendants have failed to file an answer herein and their default
has been entered by the Clerk of this Court; and

The Court further finds that this is a suit based upon a mort-
gage note and foreclosure on a real property mortgage securing said mortgage
note on the following described real property located in Tulsa County,
Oklahoma, within the Northern Judicial District of Oklahoma;

Lot Twelve (12), Block Three (3), Hartford
Hills Addition to the City of Tulsa, County
of Tulsa, State of Oklahoma, according to the
recorded plat thereof.

The Court further finds that the material allegations of Plaintiffs
Complaint are true and correct;

That the defendants, Leon Moore and Eva Mae Moore, did, on
December 7, 1964, execute and deliver to the Administrator of Veterans
Affairs their mortgage and mortgage note for the sum of \$9,300.00, with
interest thereon at the rate of 5 $\frac{1}{2}$ % per annum and further providing for
the payment of monthly installments of principal and interest; and

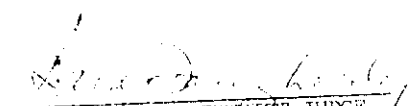
It further appears that the defendants, Leon Moore and Eva Mae
Moore, made default under the terms of the aforesaid mortgage note and
mortgage by reason of their failure to make monthly installments due thereon
on February 1, 1970, which default has continued and that by reason thereof
the defendants, Leon Moore and Eva Mae Moore, are now indebted to the Plaintiff
in the sum of \$8,853.57, as unpaid principal, with interest thereon at the

rate of 5½% per annum from February 1, 1970, until paid, plus the cost of this action accrued and accruing, plus the sum of \$40.00 expended for abstracting fees.

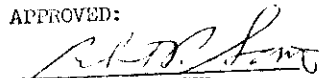
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Leon Moore and Eva Mae Moore, for the sum of \$3,355.57, with interest thereon at the rate of 5½% per annum from February 1, 1970, until paid, plus the cost of this action accrued and accruing, plus the sum of \$40.00 expended for abstracting fees.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the above-described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residuc, if any, to be deposited with the Clerk of this Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part hereof.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

EDWIN C. ORPIN,

Plaintiff,

vs.

STATE FARM MUTUAL INSURANCE
COMPANY, a foreign insurance
company,

Defendant.

No. CIVIL 71-0-7

FILED

MAR 3 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff, through his attorney, late J. Briggs, and the defendant, through its attorney, Joseph F. Glass, and stipulate that the above captioned cause of action be dismissed with prejudice to filing a future action herein.

John J. Briggs
Attorney for Plaintiff

Joseph F. Glass
Attorney for Defendant

O R D E R

And now on this 3 day of February, 1971, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the Court that all disputes between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled cause be and the same is hereby dismissed with prejudice to the right of the plaintiff to bring any future action arising from said cause of action.

(s) *John J. Briggs*
JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

SOUTHEASTERN ENTERPRISES, INC.,
NATIONAL DIVERSIFIED INDUSTRIES, INC.,
and AZALEA MEATS, INC.,

Plaintiffs,

vs.

JIMMIE J. RYAN, ELLIOTT FORBIS,
RAYMOND CONARD, H. G. BILL DICKEY,
KENNETH PARKER, BENNIE C. GARREN,
JAMES G. RODGERS, CALVIN WAGGENER,
HOMER KOON, REX R. RUDY, MIKE O'CONNOR
and WILLIAM PARKHURST,

Defendants.

No. C-69-251

E I L E D

MAR 4 1971

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

ORDER OF DISMISSAL WITH PREJUDICE
RESPECTING CERTAIN DEFENDANTS

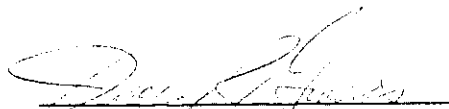
This cause coming on before me this 4 day of March, 1971, for consideration of the stipulations for dismissal with prejudice entered into by the Plaintiffs and the Defendants, Raymond Conard, Elliott Forbis, H. G. Bill Dickey, Bennie C. Garren, James G. Rodgers, Calvin Waggener, Homer Koon, Rex R. Rudy, Mike O'Connor and William Parkhurst, and the Court being satisfied for good cause shown that the Plaintiffs' actions against each of said named Defendants should be dismissed with prejudice to the bringing of another action for the same, and each of the parties should go hence with their costs, all without prejudice to the Plaintiffs' action and motion for default judgment against the Defendant, Jimmie J. Ryan;

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Plaintiffs' action against the Defendants, Raymond Conard, Elliott Forbis, H. G. Bill Dickey, Bennie C. Garren, James G. Rodgers, Calvin Waggener, Homer Koon, Rex R. Rudy, Mike O'Connor and William Parkhurst, be and the same are hereby dismissed with prejudice to the bringing of another action for the same, each party to go hence with their costs; all without prejudice to the Plaintiffs' action and motion for default judgment against the Defendant Jimmie J. Ryan.

Eric J. [Signature]

CERTIFICATE OF MAILING

I, Jack R. Givens, do hereby certify that I caused to be mailed postage prepaid thereon a full, true and exact copy of the foregoing Order to all attorneys of record and to Mr. James G. Rodgers, pro se, on this 13th day of March, 1971.



Jack R. Givens

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

REPUBLIC NATIONAL BANK OF TULSA,)
a national banking association,)
Plaintiff,)
vs.)
INTERNATIONAL HARVESTER CO. and)
INTERNATIONAL HARVESTER CREDIT)
CORPORATION,)
Defendants.)

No. 70-C-158

FILED

MAR 4 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause coming on to be considered upon the stipulation of the parties, and it appearing that all matters in controversy have been amicably resolved between the parties or have become moot, and the court being fully advised; it is hereby,

ORDERED, ADJUDGED AND DECREED that the above entitled and numbered cause be, and the same is, hereby dismissed with prejudice.

DATED: February 26th 1971.

William E. Brown
United States District Judge

APPROVED AS TO
FORM AND SUBSTANCE:

John D. Sabers, Jr.
Attorney for Plaintiff

Richard T. Searles
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

GLENN BRUMLEY,

Petitioner,

vs.

RAY H. PAGE, Warden,
Oklahoma State Penitentiary
and THE STATE OF OKLAHOMA,

Respondents.

No. 70-C-395 Civil

FILED

MAR - 4 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Petitioner, Glenn Brumley, a state prisoner, has an application for a writ of habeas corpus pending in this Court under the above case number 1/ in which he seeks his release from the custody of Respondents herein alleging that he was (1) denied his right of appeal from his plea of guilty, (2) said plea was entered because of promises of the prosecutor respecting the length of his sentence, (3) irregularity in the proceedings, and, (4) excessive sentences.

Each of the above grounds was earlier presented by Petitioner to this Court in Brumley v. Page, No. 69-C-238 Civil. He was denied relief thereon by Judge Barrow of this Court. No appeal was taken by Petitioner from the Judgment of this Court in No. 69-C-238 denying his petition.

In these circumstances the Court need not entertain this subsequent identical application. Both applications are based on the same grounds. 28 U.S.C.A. §2244(b).

It is so ordered this 4 day of March, 1971.

Fred Daugherty
Fred Daugherty
United States District Judge

1/ This application was originally filed in the United States Court of Appeals for the Tenth Circuit, transferred by that Court to the United States District Court for the Eastern District of Oklahoma for hearing and determination and by that Court transferred to this Court pursuant to 28 U.S.C. §2241(d) where it was regularly assigned to the undersigned judge.

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

NANCY JOAN BROYLES, a minor,)
by WILLIAM VICTOR BROYLES,)
natural Guardian and next)
friend,)

Plaintiff,)

vs.)

Case No. 70-C-159 ✓

SEARS, ROEBUCK & COMPANY,)
a corporation,)

Defendant.)

JOURNAL ENTRY

FILED
MAR 15 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

This cause came on to be heard on this 16 day of
March, 1971, the plaintiff being present by her father and
next friend, William Victor Broyles, and by her attorney of re-
cord, N. Franklyn Casey, of Tulsa, Oklahoma, and the defendant
being present by its attorneys of record, Milsten and Morehead,
by David R. Milsten; and both parties announcing ready for trial
and a jury being waived in open Court, the Court proceeded to
hear the evidence of witnesses and argument of counsel. And the
Court, being fully advised and on consideration thereof, finds
that the plaintiff is a minor and that said action was properly
commenced by and through her father and next friend, all as pro-
vided by law, and that the plaintiff has sustained the allega-
tions of her petition and is entitled to judgment accordingly.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by
the Court that the said Nancy Joan Broyles, by and through her
father and next friend, William Victor Broyles, have and recover
against said defendant, Sears, Roebuck & Company, the sum of

One Thousand Two Hundred Fifty Dollars (\$1,250.00) and the costs
of this action, for all of which let execution issue.

the Bohanon
JUDGE

APPROVED AS TO FORM AND CONTENT:

N. FRANKLYN CASEY
Attorney for the Plaintiff

MILSTEN AND MOREHEAD

By

David R. Milsten
DAVID R. MILSTEN

Attorney for the Defendant

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

DOUGLAS TEAL,)
)
Plaintiff,)
)
vs.)
)
SPARTAN AVIATION CO.,)
)
Defendant.)

FILED

MAR 4 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT
Civil Action
No. 70-C-243

ORDER DISMISSING ACTION

NOW, on this 4th day of March, 1971, this matter comes on for ~~hearing~~ ^{consideration} before me, the undersigned Judge of the District Court, upon Motion of plaintiff herein to dismiss this cause of action.

The Court finds that based upon plaintiff's motion to dismiss and the reasons stated therein, plaintiff is entitled to have this action dismissed at his request and that said action should therefore be dismissed with prejudice to any future action as requested by plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this action is hereby dismissed with prejudice against any future action arising out of the same complaint.

S. Allen E. Dawson
UNITED STATES DISTRICT JUDGE

I understand the foregoing order and request that it be entered.

Douglas Teal
Douglas Teal

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NORMAN I. NELSON,

Plaintiff,

vs.

TEXACO, INC.,

Defendant.

70-C-397

FILED
MAR 4 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING CAUSE OF ACTION

SUA SPONTE, the Court finds:

That heretofore and on the 7th day of January, 1971, this Court entered an order overruling the application for leave to file action under Title VII of the Civil Rights Act of 1964 (sec. 2000e-5 of Title 42 U.S.C.) without payment of fees, costs or security and for the appointment of counsel. At that time plaintiff was ordered to furnish the name of his counsel within 15 days and prepay the costs of this litigation, failing which the cause of action would be dismissed.

It has come to the attention of the Court that plaintiff has failed to comply with the order of this Court, has failed to obtain the services of retained counsel, has failed to prepay the filing costs. The Court, therefore, finds, that said cause of action should be dismissed for lack of prosecution.

IT IS, THEREFORE, ORDERED that this cause of action be and the same is hereby dismissed.

ENTERED this 4 day of March, 1971.


UNITED STATES DISTRICT JUDGE

C O P Y

FILED
MAR - 5 1971
JOHN H. POE, Clerk
U.S. DISTRICT COURT
No. 70-C-155
Civil

JOHN H. POE, Clerk
U.S. DISTRICT COURT

U.S. DISTRICT COURT

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No. 70-C-155
Civil

) No. 70-C-155
Civil

O R D E R

Upon review of the file the Court finds that there is not present certain substantial evidence necessary to support the Hearing Examiner's denial of Social Security Disability Benefits to the plaintiff and that this case should be remanded for further hearing.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this case be remanded for further hearing before the Hearing examiner for Social Security Disability Benefits to the plaintiff.

FRED DAUGHERTY

JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HODGSON, Secretary of Labor)
United States Department of Labor)
Plaintiff)
v.)
CHARLES CARRELL, individually doing)
business as CLAREMORE LAUNDRY AND)
DRY CLEANERS)
Defendant)

Civil Action File

No. 70-C-99

FILED

MAR - 8 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Plaintiff having filed his complaint herein, and thereafter defendant, Charles Carrell, individually doing business as Claremore Laundry and Dry Cleaners, having assured plaintiff and this court that he will comply in the future with the provisions of the Fair Labor Standards Act of 1938, as amended, and defendant having heretofore entered into a stipulation of compliance, wherein he specifically agrees to comply with all pertinent provisions of the Fair Labor Standards Act, and defendant having agreed to pay to plaintiff \$2,500 as unpaid minimum wage and overtime compensation for the use and benefit of certain of defendant's present and former employees;

It is, therefore, ORDERED, ADJUDGED, and DECREED that the above styled and numbered cause be, and the same hereby is, dismissed with costs to defendant.

3/5/71

W. L. Sullivan, Jr.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 11 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

VIRGIL N. HARRINGTON, Area Director, Bureau)
of Indian Affairs, for Ruth B. DeHanas Estate, and)
the heirs of Ruth B. DeHanas, deceased;)
ESTATE OF RUTH B. DeHANAS, deceased;)
JESSE LEE DeHANAS and MARY LOU DeHANAS WORKS,)
heirs of Ruth B. DeHanas, deceased,)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA,)
Defendant.)

CIVIL NO.

SP - C - 28

STIPULATION OF DISMISSAL

Attorneys for plaintiffs do hereby stipulate as follows:

It is hereby stipulated and agreed that the above entitled action be dismissed with prejudice, each party to bear its own costs.

J. E. HART
BYRON V. BOONE
JAMES O. ELLISON
914 World Building
Tulsa, Oklahoma 74103

By _____
James O. Ellison
Attorneys for plaintiffs

NATHAN G. GRAHAM
United States Attorney

By _____
Robert P. Santee, Ass't. U.S. Attorney
Attorney for defendant

ORDER OF DISMISSAL

~~Before The Honorable Allen E. Barrow, at Tulsa, in the Northern District, this matter was presented to the Court upon the stipulation of the plaintiffs, and the Court thereupon dismissed the above entitled action with prejudice, each party to bear its own costs.~~

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 11 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

VIRGIL N. KARRINGTON, Area Director, Bureau
of Indian Affairs, Ex Harry Crawford Estate, and
the heirs of Harry Crawford, deceased;
ESTATE OF HARRY CRAWFISH, deceased;
ALICE MARIE CRAWFISH TUTHILL, PEARL CRAWFISH
WHITECROW, BETTY, ALICE CRAWFISH SILLSON,
CHESTER WOODARD, WILLIAM JENNINGS WOODARD
and GEORGIA LEE CRAWFISH ST. JOHN, heirs of
Harry Crawford, deceased,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL NO.

49 - C - 39

STIPULATION OF DISMISSAL

Attorney for plaintiffs do hereby stipulate as follows:

It is hereby stipulated and agreed that the above entitled action be dis-
missed with prejudice, each party to bear its own costs.

J. W. HUNT
NORON V. ROOM
JAMES O. ELLISON
111 World Building
Tulsa, Oklahoma 74103

By J. Hunt & Ellison
James O. Ellison
Attorneys for plaintiffs

W. T. Santee
United States Attorney

By W. T. Santee
W. T. Santee
Assistant United States Attorney
Attorney for defendant

ORDER OF THE COURT

Before The Honorable Allen E. Sargent, at Tulsa, in the Northern District,
this matter was presented to the Court upon the stipulation of the plaintiffs, and
the Court thereupon dismissed the above entitled action with prejudice, each party
to bear its own costs.

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VIRGIL N. HARRINGTON, Area Director, Bureau
of Indian Affairs, for Benjamin Quapaw Estate, and
the heirs of Benjamin Quapaw, deceased;
ESTATE OF BENJAMIN QUAPAW, deceased;
JEAN ANN QUAPAW BLUE, GENEVA HOFFMAN RAMSEY,
HENRY E. HOFFMAN, JR., CHARLES F. HOFFMAN, and
THE TRUST ESTATE OF HENRY E. HOFFMAN, SR.,
heirs of Benjamin Quapaw, deceased,
Plaintiffs,
vs
UNITED STATES OF AMERICA,
Defendant.

FILED
MAR 11 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

CIVIL NO.
69 - C - 31

STIPULATION OF DISMISSAL

Attorneys for plaintiffs do hereby stipulate as follows:

It is hereby stipulated and agreed that the above entitled action be dismissed with prejudice, each party to bear its own costs.

J. F. BART
BYRON V. BOONE
JAMES O. ELLISON
914 World Building
Tulsa, Oklahoma 74103

By James O. Ellison
James O. Ellison
Attorneys for plaintiffs

NATHAN C. CHAMBERLAIN
United States Attorney

By Robert P. Pantee
Robert P. Pantee
Assistant United States Attorney
Attorney for defendant

ORDER OF DISMISSAL

~~Before The Honorable Fred Daugherty, at Tulsa, in the Northern District, this matter was presented to the Court upon the stipulation of the plaintiffs, and the Court thereupon dismissed the above entitled action with prejudice, each party to bear its own costs.~~

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JACK R. GREGORY and CORDIE MAY GREGORY,

Defendants.)

CIVIL ACTION NO. 71-C-32

FILED

MAR 11 1971

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendants on February 16, 1971, as appears from the Marshal's return of service of said summons; that the time within which the defendants may answer or otherwise move as to the complaint has expired; that the defendants have not answered or otherwise moved, and that the time for defendants to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff, that the defendants are neither infants nor incompetent persons, and that the defendants are not in the military service of the United States.

It further appearing that plaintiff's claim against the defendants is for a certain sum which can by computation be made certain.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendants the amount prayed for in the sum of \$10,130.95 with interest on the sum of \$10,130.95 at the rate of 7% per annum from November 19, 1970, until paid, and for the costs of this action.

Dated this 11th day of March, 1971.

JOHN H. POE, Clerk
United States District Court for
the Northern District of Oklahoma

By:
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and Lloyd Bible, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-193

Tract No. 423M

FILED

MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 15 day of March, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on January 22, 1971, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies only to the estate condemned in Tract No. 423M, as such estate and tract are described in the Complaint and Declaration of Taking, filed in this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on July 31, 1969, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court an estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 10.

7.

The Report of Commissioners filed herein on January 22, 1971, hereby is approved. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out below in paragraph 10.

8.

The defendants named in paragraph 10 as owners of the subject tract are the only defendants asserting any interest in the estate condemned therein, all other defendants having either disclaimed or defaulted. As of the date of taking the named defendants were the owners of the respective interests in the estate condemned herein as shown in such paragraph 10 and, as such, are entitled to receive the just compensation awarded by this judgment.

9.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of January 22, 1971, hereby is confirmed, and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 423M

Owners:

Lloyd Bible and
Ruby Bible (joint tenants)

Award of just compensation, pursuant to Commissioners' Report - - -	\$200.00	\$200.00
Deposited as estimated compensation - - - -	<u>\$200.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$200.00

11.

It Is Further ORDERED that the Clerk of this Court shall
disburse the sum on deposit for Tract No. 423M in this civil action, as
follows:

To Lloyd Bible and Ruby Bible, jointly, - - - - \$200.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

THE FIRST NATIONAL BANK OF
ATLANTA,

vs.

Defendant.

70-C-162

FILED

MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT.

The Court has for consideration the Motion to Dismiss Without Prejudice filed by the plaintiff herein, the brief in support thereof, and, being fully advised in the premises, finds:

IT IS, THEREFORE, ORDERED that the motion to dismiss without prejudice be and the same is hereby sustained and this complaint and cause of action be and the same are hereby dismissed.

ENTERED this 15 day of March, 1971.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARVIN A. POOL and PEARL POOL,

Plaintiffs,

-vs-

ST. LOUIS-SAN FRANCISCO
RAILWAY COMPANY,

Defendant.

NO. 70-C-260

E I L E D

MAR 15 1971

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

JUDGMENT

This cause coming on for trial on its merits on the 27th day of January, 1971. All parties appeared by their respective counsel of record, and the plaintiff Marvin A. Pool appeared in person. Thereupon the Court heard evidence in the cause and continued the matter for further hearing to March 3, 1971. On this 3rd day of March, 1971, all of the parties appeared as had heretofore been before the Court on January 27, 1971. The Court did hear further evidence from the parties and having considered the briefs filed herein and the oral arguments of counsel herein thereupon entered its findings of fact and conclusions of law. Pursuant to the findings and conclusions it is adjudged and decreed, as follows:

IT IS ADJUDGED AND DECREED that the plaintiffs, Marvin A. Pool and Pearl Pool have and recover judgment against the defendant, St. Louis-San Francisco Railway Company, a corporation of the State of Missouri, in the sum of \$9,351.00, with interest thereon at the rate of 6% per annum from the 3rd day of March, 1971, and that the plaintiffs have judgment for their costs herein expended as against defendant.

John H. Poe
United States District Judge

OK AS TO FORM:

John H. Poe
Attorney for Plaintiffs
John H. Poe
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILSON JAMES MERRITT, JR.,
Plaintiff,

v.

JOHN GREEN, d/b/a GREEN
FUNERAL HOME,

Defendant.

Civil Action
No. 70-C-262

FILED

MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER ALLOWING DISMISSAL ON STIPULATION

Upon stipulation of both parties for leave to dismiss
the above action with prejudice and with cost to plaintiff, it
is hereby ordered that said complaint be dismissed with prejudice
at the cost of plaintiff.

DATED this 15th day of March, 1971.

Carl E. Baran
DISTRICT JUDGE

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

50.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and Barbara Y. Schwabe,
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-300

Tract No. 1206M

FILED

MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 12 day of March, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1206M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in such complaint. Pursuant thereto, on September 25 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown below in paragraph 12. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1206M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint is condemned and title thereto is vested in the United States of America, as of September 25, 1970, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 1206M

OWNERS:

Barbara Y. Schwabe-----	1/3
George Blaine Schwabe, Jr.-----	2/15
Robert Vernon Schwabe-----	2/15
John Leonard Schwabe-----	2/15
Emily Jeannette Bailey-----	2/15
William Henry Schwabe-----	2/15

Award of just compensation,		
pursuant to Stipulation-----	\$450.00	\$450.00
Deposited as estimated compensation-----	\$200.00	
Disbursed to owners-----		<u>None</u>
Balance due to owners-----		<u>\$450.00</u>
Deposit deficiency-----	\$250.00	

13.

It is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$250.00, and the Clerk of this Court then shall disburse, the deposit in this case as follows:

Barbara Y. Schwabe-----	\$150.00
George Blaine Schwabe, Jr.-----	60.00
Robert Vernon Schwabe-----	60.00
John Leonard Schwabe-----	60.00
Emily Jeannette Bailey-----	60.00
William Henry Schwabe-----	60.00

Fred Laugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E.V. SHEWMAKER,

Plaintiff,

vs

ISIDOR SCHUMACHER,

Defendant

No. C-70-197

FILED


MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 15 day of March, 1971, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiff filed herein against the defendant be and the same hereby is dismissed with prejudice to any future action.


JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

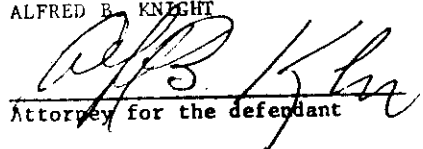
APPROVAL:

SHEWMAKER & BRIGGS

BY: 

Attorneys for the Plaintiff,

ALFRED B. KNIGHT


Attorney for the defendant

IN THE UNITED STATES DISTRICT COURT OF THE NORTHERN
DISTRICT OF OKLAHOMA.

L. D. COOK,

Plaintiff,

vs

SQUARE H INDUSTRIES, INC.,
a Corporation,

Defendant.

FILED

MAR 12 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. Civil-70-219

FILED

MAR 15 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING ACTION.

It appearing to the Court from the written Motion of the plaintiff
herein that the within controversy has been settled and that the within action
should be dismissed with prejudice to any future action,

IT IS, THEREFORE, ORDERED that the within action be and the
same is hereby dismissed with prejudice to any future action.

DATED at Tulsa, Oklahoma, this 12th day of March, 1971.

Luther Bohannon
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY CASTLEBERRY,

Plaintiff,

vs.

NRM CORPORATION, a foreign
corporation, et al.,

Defendants.

)
)
) 71-C-23
)
)
)

) **FILED**
)
) MAR 15 1971
) JOHN H. POE, Clerk
) U. S. DISTRICT COURT

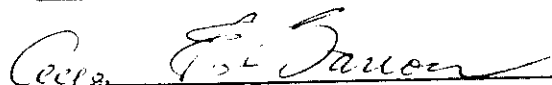
ORDER SUSTAINING PLAINTIFF'S MOTION TO DISMISS THE
DEFENDANTS, AMERICAN MUTUAL LIABILITY INSURANCE
COMPANY AND AFFILIATED F.M. INSURANCE
COMPANY

The Court has for consideration the Motion to Dismiss filed by the plaintiff as to the defendants, American Mutual Liability Insurance Company and Affiliated F.M. Insurance Company, the brief in support thereof, and the responses of the other defendants, and, being fully advised in the premises, finds:

That said motion should be sustained.

IT IS, THEREFORE, ORDERED that the plaintiff's Motion to Dismiss the defendants, American Mutual Liability Insurance Company and Affiliated F.M. Insurance Company be and the same is hereby sustained and the complaint and cause of action as to American Mutual Liability Insurance Company and Affiliated F.M. Insurance Company are hereby dismissed.

ENTERED this 15 day of March, 1971.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY CASTLEBERRY,

Plaintiff,

vs.

NRM CORPORATION, a foreign
corporation, AMERICAN MUTUAL LIABILITY
INSURANCE COMPANY; a foreign insurance
company, AFFILIATED F.M. INSURANCE COMPANY,
a foreign insurance company, and
ROBERT CARPENTER,

Defendants.

71-C-23

FILED
MAR 15 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING DEFENDANT, ROBERT CARPENTER'S
MOTION TO DISMISS CAUSE OF ACTION AS TO
HIM

The Court has for consideration the Motion to Dismiss,
or in the alternative to grant summary judgment, as to the
defendant, Robert Carpenter, the affidavit of Robert Carpenter,
the brief in support thereof, and the response filed by
the plaintiff, and, being fully advised in the premises, finds:

That plaintiff has admitted that his previous information
with reference to Robert Carpenter was incorrect and by his
response tenders a dismissal of his petition against the
defendant, Robert Carpenter, only.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss of
the defendant, Robert Carpenter, be and the same is hereby
sustained upon the tender of plaintiff to dismiss the petition
as to him and this complaint and cause of action against the
defendant, Robert Carpenter, is dismissed.

ENTERED this 15 day of March, 1971.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

ELIZABETH DONOVAN

Plaintiff

vs

KOLMA N. INGALLS

Defendant

NO. 70-C-293

FILED

MAR 17 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

Now on this 17th day of March, 1971, the above entitled cause comes on for hearing before me, the undersigned Judge on plaintiff's Motion to Remand and the defendant's Motion to Dismiss. The court being fully advised in the premises and upon statement of counsel finds that plaintiff's Motion to Remand should be sustained and the cause remanded to the District Court in and for Tulsa County.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion to Remand should be and the same is hereby sustained, and said cause is remanded to the District Court in and for Tulsa County.

/s/ Allen C. Barrow
Judge

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
NORTHERN DISTRICT OF OKLAHOMA

BERTHA CROMWELL,

Plaintiff,

-vs-

BEATRICE MUDRYK and
JUANITA NEWELL,

Defendants.

FILED

MAR 18 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. 71-C-16


ORDER

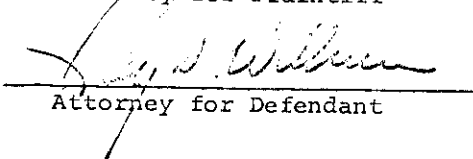
NOW on this 10th day of March, 1971, before the Honorable Luther Bohanon, Judge of the District Court of the United States for the Northern District of Oklahoma, the Motion to Remand, filed by the plaintiff, Bertha Cromwell, came on for hearing; Bertha Cromwell being present and represented by her attorney, Dale Warner; the defendant Juanita Newell, being represented by her attorney, Ray Wilburn. The court, after hearing argument by counsel, and being fully advised in the premises, finds that the Motion to Remand of plaintiff, Bertha Cromwell, should be sustained.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion to Remand is sustained and the case remanded to the District Court in and for Mayes County, State of Oklahoma.


Judge

APPROVED AS TO FORM:


Attorney for Plaintiff


Attorney for Defendant

mt

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

BRIDES SHOWCASE INTERNATIONAL, INC.,
A Connecticut Corporation,

Plaintiff,

-vs-

JOSEPH S. JONDAHL and ALPHA GENERAL
CORPORATION, an Oklahoma Corporation,

Defendants.

FILED

MAR 19 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

Civil Action File
No. 71-C-4

ORDER OF DEFAULT JUDGMENT AGAINST
DEFENDANT ALPHA GENERAL CORPORATION

Now on this 17th day of March, 1971, there comes before the Court for its consideration the motion previously filed by the plaintiff for a default judgment against the defendant, Alpha General Corporation. The plaintiff was present by and through its attorney of record, Richard T. Sonberg. Neither the defendant, Alpha General Corporation, an Oklahoma corporation, nor the individual defendant, Joseph S. Jondahl, was present in person or by counsel, it appearing to the Court that such defendants are hiding themselves to avoid service of process and their present whereabouts is unknown to the Court.

Whereupon, the Court reviewed the motion filed herein by the plaintiff for default judgment against the defendant, Alpha General Corporation, and it is the determination of the Court that it has good and proper jurisdiction over the subject matter herein and also in personam jurisdiction over the defendant, Alpha General Corporation, by reason of summons served upon the Secretary of State of the State of Oklahoma as statutory agent for the service of process of that Oklahoma corporation, since its designated registered agent in the State of Oklahoma, Joseph S. Jondahl, is no longer present at the registered office of said corporation, that being 315

National Bank of Tulsa Building, Tulsa, Oklahoma, and it further appearing that said Joseph S. Jondahl has absconded and cannot be found after diligent search by the plaintiff and its attorneys.

It is further the determination of the Court that more than twenty (20) days have elapsed since the plaintiff effected service of summons and a copy of the Complaint herein upon Alpha General Corporation and that said defendant has wholly failed to plead or otherwise defend against said Complaint, and it is the further determination of the Court that the defendant, Alpha General Corporation, is in default and that the plaintiff is entitled to have a default judgment entered against said corporation.

It is further the determination of the Court that the question of the amount of said default judgment should be reserved at this time pending proof of the amount of the plaintiff's claim at the time this matter is presented on the merits against the defendant, Joseph S. Jondahl.

WHEREFORE, the Court does hereby order and decree that the plaintiff is entitled to a default judgment against the defendant, Alpha General Corporation, with the amount of such judgment to be hereafter determined upon hearing of the plaintiff's Complaint against the defendant, Joseph S. Jondahl. It is further ordered by the Court that at the time of such judgment the plaintiff will be entitled to recover its costs against the defendant, Alpha General Corporation, expended herein, including a reasonable attorneys fee.

ORDERED this 17th day of March, 1971.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 19 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

FRANK NORTON,

Petitioner,

vs.

NO. 71-C-60

UNITED STATES OF AMERICA,

Respondent.

O R D E R

The Court has before it a forma pauperis, pro se instrument of Frank Norton entitled "Motion for Transcript of Trial." Therein, petitioner also requests copies of the complaint, warrant, record of Commissioner's proceeding, Commissioner's final commitment and any other information pertaining to his trial. Petitioner alleges that he believes he was illegally convicted of conspiracy to sell heroin and needs the requested Court records prior to filing a \$ 2255 Motion.

The Court finds that petitioner was tried by jury and convicted in Case No. 70-CR-40 in this Northern District of Oklahoma, and that he was sentenced therein on August 10, 1970. That the said cause of action was appealed, and a transcript of the trial and sentencing is filed in said appeal now pending before the United States Court of Appeals Tenth Circuit; and, this Court is without jurisdiction in the said 70-CR-40 during the pendency of the appeal.

Further, the Court finds that a motion for production of documents should be overruled when the movant fails to state why or in what respect the judgment was allegedly illegal that he proposes to challenge at some future date. The statutory right to proceed in forma pauperis does not include the right to obtain copies of transcripts and Court records without payment therefor to use in proposed or prospective litigation.

IT IS, THEREFORE, ORDERED that the motion to be furnished with copies of Court records without payment therefor be and the same is hereby overruled, and this cause of action is dismissed.

Dated this 18th day of March, 1971, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

BOWLINE CONSTRUCTION
COMPANY, INC., an Oklahoma
corporation,

Plaintiff,

-vs-

PRECISION POLYMERS, INC.,
a Delaware corporation,

Defendant.

No. 70-C-369 ✓

ORDER OVERRULING MOTION TO DISMISS OF
DEFENDANT, DENYING AN INTERIM APPEAL
AND ORDERING CONSOLIDATION OF CAUSE
WITH CAUSE NO. 70-C-179

FILED
MAR 22 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

This cause came on for hearing on this 10th day of March, 1971, upon the motion to dismiss of the defendant, at which time the plaintiff appeared by its attorney, Paul E. Garrison, and the defendant appeared by its attorney, David H. Sanders. The defendant offered in support of its motion to dismiss, affidavit of Marvin Rosenblum, and the plaintiff offered the deposition of J. D. Sitton. The Court, after having heard and considered the affidavit and deposition, and argument of counsel, and being fully advised in the premises, finds that the motion to dismiss of the defendant should be overruled in toto. Thereupon, the defendant in open court requested the Court to certify the question of jurisdiction as to the first count and second count, and especially the second count, in that considerable work would be required to get ready to defend the second count for the claims arising out of the Ralls County, Missouri project and that a decision by the Tenth Circuit Court of Appeals on jurisdiction would be decisive in this case and, therefore, asked that the Court certify an interim appeal and the Court refused to do so, stating that the matter could

be considered at the time of trial. The Court further finds that the motion of the plaintiff to consolidate this cause with Cause No. 70-C-179 pending in this Court, wherein Cement Asbestos Products Company is plaintiff and Bowline Construction Company, Inc., is defendant, should be granted. The Court further finds that the defendant, Precision Polymers, Inc., should be granted 20 days hereafter within which to answer.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that the defendant's motion to dismiss the first and second counts of the plaintiff's complaint be and the same are hereby overruled.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the oral application of the plaintiff for a certificate of interim appeal to the Tenth Circuit of Appeals on the question of jurisdiction be and the same is hereby denied.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the motion of the plaintiff to consolidate this cause with Cause No. 70-C-179 styled Cement Asbestos Products Company, a corporation, vs. Bowline Construction Company, Inc., and United States Fidelity and Guaranty Company, a corporation, defendant, be and the same is hereby sustained and this cause is herewith consolidated for further proceedings with said Civil Action No. 70-C-179.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Precision Polymers, Inc., be granted 20 days hereafter within which to answer.

Ruthie Bohannon
JUDGE

APPROVED AS TO FORM:

W. B. Linton
ATTORNEY FOR PLAINTIFF

W. B. Linton
ATTORNEY FOR DEFENDANT.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SINCLAIR-KOPPERS COMPANY,
a Partnership,

Plaintiff,

vs.

SOUTHERN PETROCHEMICALS CORPORATION,
a Corporation,

Defendant.

No. 71-C-25

FILED

MAR 23 1971

**JOHN H. POE, Clerk
U. S. DISTRICT COURT**

J U D G M E N T

The plaintiff having moved for default judgment on March 3, 1971, pursuant to verified application, the court does hereby find that this action was filed by complaint February 1, 1971, and valid service was made upon the defendant February 3, 1971, and the defendant failed within twenty (20) days thereafter to plead or answer to the complaint. The court does find the defendant in default herein and grants to the plaintiff judgment against the said Southern Petrochemicals Corporation, a corporation, in the amount of \$25,494.33, the amount demanded in the complaint herein with interest of 6% from October 13, 1970, to date of judgment and 10% thereafter until paid, together with plaintiff's costs. The court further having received evidence does hereby award plaintiff a reasonable attorney's fee in the amount of 2,500⁰⁰ to be taxed as costs of the case.

JUDGMENT SO ENTERED this 23rd day of March, 1971.

William D. Berman
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILL WILLHITE and AUDIE WILLHITE,

Defendants.)

Civil Action No. 70-C-281

FILED

MAR 22 1971

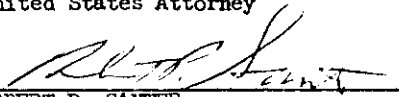
JOHN H. POE, Clerk
U. S. DISTRICT COURT

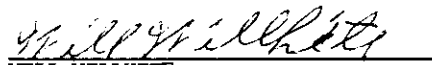
STIPULATION OF DISMISSAL

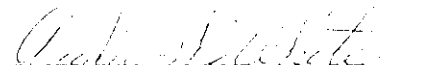
It is hereby stipulated by and between the United States of America, plaintiff, and Will Willhite and Audie Willhite, defendants, that the above-captioned action is dismissed with prejudice.

Dated this 22nd day of March, 1971.

NATHAN G. GRAHAM
United States Attorney


ROBERT P. SANTEE
Assistant United States Attorney


WILL WILLHITE


AUDIE WILLHITE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less
Situatid in Nowata County, State of
Oklahoma, and J.W. Cramer, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-205

Tract No. 1025M

FILED

MAR 18 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

On March 3, 1971, this cause came on for pretrial conference before Fred Daugherty, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No.1025M, as such tract and estate are described in the Complaint filed herein.

3.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the subject tract.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein gives the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 30, 1970, the United States of America filed its Declaration of Taking of a certain estate in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

The owners of the subject property have not filed an answer and have not otherwise made any appearance in this case and are therefore wholly in default. At the pre-trial hearing, in view of the defendants' default, the Plaintiff was allowed to present evidence concerning the market value of the subject property. The Court considered the evidence offered by the plaintiff and then found that the diminution in fair market value of the ownership under consideration, caused by this action, was in the amount of \$291.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

The defendants named in paragraph 9 as owners of subject property are the only defendants shown by the Nowata County land records as having any interest in the estate condemned in the subject property. All other defendants having either disclaimed or defaulted, the named defendants were the owners of such estate, as of the date of taking, and as such, are entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use Tract No. 1025M, as such property is particularly described in the Complaint filed herein; and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America as of June 30, 1970, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

9.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to

just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$291.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. 10254

OWNERS:

J. W. Cramer and
Darline Cramer-----7/8

O. C. Boop, Jr.-----1/24
Daphne Boop-----1/24
Foster C. Boop-----1/24

Award of just compensation
pursuant to Court's findings-----\$291.00 \$291.00

Deposited as estimated compensation-----291.00

Disbursed to owners-----None

Balance due to owners----- \$291.00

10.

It Is Further ordered that the Clerk of this Court shall disburse the deposit for the subject tract, to the owners as follows:

J. W. Cramer and Darline Cramer, jointly, the sum of--\$254.63

O. C. Boop, Jr.----- \$12.13
Daphne Boop----- 12.12
Foster C. Boop----- 12.12

/s/ FRED DAUGHERTY

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow
HUBERT A. MARLOW
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OKLAHOMA

GENERAL MOTORS ACCEPTANCE
CORPORATION, a corporation,

Plaintiff,

vs.

C. L. BURTRUM and DOUGLAS
BURTRUM, d/b/a BURTRUM
MOTOR CO.,

Defendants.

Civil Action

No. 71-0-2

FILED

MAR 24 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT BY DEFAULT UPON APPLICATION TO CLERK

In this action the defendants, C. L. Burtrum and Douglas Burtrum, d/b/a Burtrum Motor Co., having been regularly served with the summons and complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of said defendants, C. L. Burtrum and Douglas Burtrum, d/b/a Burtrum Motor Co., in the premises having been duly entered according to law; upon the application of said plaintiff, judgment is hereby entered against said defendants in pursuance of the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED, that the said plaintiff does have and recover from said defendants the sum of \$77,606.36 with interest thereon at the rate of ten per cent per annum from March 23, 1971, until paid, together with said plaintiff's attorneys' fees of \$9,568.27 and plaintiff's costs and disbursements incurred in this action amounting to the sum of \$57.92, and that the plaintiff have execution therefor.

Judgment rendered this 24 day of March, 1971.

John H. Poe
John H. Poe, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Darwin R. Bayliss and
Emma L. Bayliss, husband and wife,

Defendants.)

Civil Action No. 71-C-29

FILED

MAR 24 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 25th day of March, 1971, the defendants, Darwin R. Bayliss and Emma L. Bayliss, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Darwin R. Bayliss and Emma L. Bayliss, on February 10, 1971, and

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-seven (27), Block Fifty-Seven (57),
Valley View Acres Third Addition to the City of
Tulsa, Tulsa County, Oklahoma, according to the
recorded plat thereof.

The Court further finds that the material allegations of Plaintiff's complaint are true and correct; and

That the defendants, Darwin R. Bayliss and Emma L. Bayliss, did, on September 19, 1969, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$10,750.00, with interest thereon at the rate of 7 1/2 per cent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Darwin R. Bayliss and Emma L. Bayliss, made default under the terms of the aforesaid mortgage note

and mortgage by reason of their failure to make monthly installments due thereon ~~for~~ more than ten (10) months last past, which default has continued and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$10,724.93 as unpaid principal, with interest thereon at the rate of 7 1/2 per cent per annum from May 19, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, have and recover judgment against the defendants, Darwin R. Bayliss and Emma L. Bayliss, for the sum of \$10,724.93 with interest thereon at the rate of 7 1/2 per cent per annum from May 19, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the above-described real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

4 Allen E. Danner

APPROVED:

5/ Robert F. Sawire
ROBERT F. SAWIRE
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE :
INDUSTRY BENEFIT FUND, :

Plaintiff, :

vs :

No. 71-C-73

CARROLL COUNTY PIPELINE CON- :
STRUCTION COMPANY, :

Defendant. :

CERTIFICATE AND NOTICE OF
DISMISSAL

COMES NOW the Plaintiff appearing by its counsel of
record William K. Powers, of the firm of Dyer, Powers and Marsh,
and certifies and gives notice to this Court that all matters and
issues involved in the action heretofore filed have been disposed
of, and that said action was erroneously brought by this Plaintiff
against the Defendant, and Plaintiff requests the Court to make
and enter its order of dismissal at the cost of the Plaintiff
herein.

BOARD OF TRUSTEES, PIPELINE
INDUSTRY BENEFIT FUND

By:

William K. Powers
William K. Powers
Attorney for Plaintiff
1501 4th Nat'l Bank Bldg.
Tulsa, Oklahoma 74119

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 1971 I mailed a
true and correct copy of the foregoing Certificate and Notice of
Dismissal to Carroll County Pipeline Construction Company, Attn:
Eugene Wheeler, Box 141, Carrollton, Missouri 64633, with proper
postage thereon fully prepaid.

William K. Powers
William K. Powers

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ALEX L. KALLAY, et al.,
Plaintiffs,
v.
COMMUNITY NATIONAL LIFE
INSURANCE COMPANY, et al.,
Defendants,
INSURANCE COMPANY OF
NORTH AMERICA,
Third-Party Defendant.

Case No. 67-C-127 Civil
Consolidated with
Case No. 67-C-131 Civil

FILED

MAR 26 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

CORRECTED ORDER

The Plaintiffs have moved for the Court to review the action of the Court Clerk in refusing to tax the costs of the above-styled consolidated cases and alternatively have moved to extend their time to file a bill of costs.

The Court finds and concludes that the action of the Court Clerk in refusing to tax the costs was proper and that the time to file the bill of costs may not be extended.

The Judgment in the above-styled consolidated cases was filed on December 3, 1970. Rule 6(e) of the Local Court Rules provides:

"(e) Upon entry of judgment or decree in any case or proceeding, the party recovering costs shall within ten (10) days file a verified bill of costs with the Clerk upon forms provided by him; which shall have endorsed thereon proof of service upon the opposite party. The Clerk shall tax the costs in accordance with Rule 54(d), Federal Rules of Civil Procedure. ****"

On December 18, 1970, the Plaintiffs filed their bill of costs with the Court Clerk. On December 29, 1970 the Clerk conducted a hearing on the bill of costs. Defendant Andresen & Co. and Third Party Defendant, Insurance Company of North America objected to allowing any part of the bill of costs asserting that the bill was not

timely filed. On January 15, 1971 the Clerk denied the bill of costs in its entirety as not being timely filed citing Rule 6(e) of the Local Rules and Woods Construction Co. v. Atlas Chemical Industries, Inc. 337 F.2d 888 (Tenth Cir. 1964).

As Local Rule 6(e) is a Rule made and adopted by this Court, the members of this Court are possessed with knowledge of the precise intent of the Rule and may interpret their own Rule, if necessary. This member of the Court has been authorized to speak for all members of the Court in stating that it is the intention of Rule 6(e) that a bill of costs be filed within ten (10) days from the entry of judgment as provided by Rule 58, Federal Rules of Civil Procedure, or the right to file such a bill is lost and that such is the interpretation of said Local Rule by all the members of this Court. ^{1/}

Our Circuit in Woods Construction Co. v. Atlas Chemical Industries, Inc., ^{2/} supra, has concluded to this same effect.

^{1/}

The United States District Court for the Western District of Oklahoma (of which Court two members of this Court are also members as so-called "roving judges") had the same Rule as the above-quoted Local Rule 6(e). However, effective January 1, 1971 that Court adopted a new Rule which still requires the filing of a bill of costs within ten (10) days from the entry of judgment but allows an extension of said period if a request is made to the Court within said ten-day period. Plaintiffs here would even fail under such liberalized Rule for they made no request for an extension within the prescribed ten-day period. This new Rule of that Court demonstrates its intention that the said ten-day period must either produce a filed bill of costs or a filed request for an extension of time within which to file a bill of costs or the matter of taxing costs is thereafter precluded.

^{2/}

This case held:

"The local rule with which we are here concerned is of importance because it is designed to provide a time limit for the conclusion of the litigation in the trial court when further procedural steps depend on action of a party. It is apparent that there must be such a definite limit. A case cannot remain open for indeterminate or unspecified periods awaiting a party's action to request the assessment of costs nor for any other purpose. An adverse party must be able to assess his position following the trial within the time limits prescribed by the rules of the court, and be guided as to his future action accordingly. A litigant has a right to rely upon the local rules, as the parties and the court are bound by them." (Emphasis added.)

Plaintiffs argue that because Motions For New Trial in the consolidated cases were not ruled on within the prescribed ten-day period, Local Rule 6(e) should not commence to run until said Motions had been ruled on.^{3/} This, however, is not what the Rule provides. By Local Rule 6(e) this Court selected the date of judgment and no other date as the date the ten-day period for filing a bill of costs starts to run. A Motion For New Trial by a losing party is not a necessary prerequisite to an appeal by such party. Rule 58, Federal Rules of Civil Procedure, was amended in 1963 to provide that every judgment shall be set forth on a separate document. This Amendment was made to make completely clear the date of the entry of a judgment as it relates to giving notice of appeal, moving for a new trial or any other post-judgment relief available to the parties. Thus, as normally a judgment must be entered in every controverted case and the date and method of entering the same has purposely been made clear and definite beyond doubt by Rule 58, Federal Rules of Civil Procedure, this Court selected such event and date thereof to start the time for filing a bill of costs.

Plaintiffs finally assert that they are entitled to an extension of time within which to file their bill of costs under Rule 6(b) of the Federal Rules of Civil Procedure. This Rule provides:

"(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration

3/

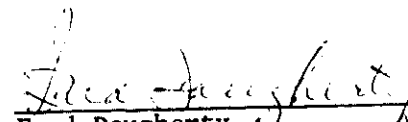
Plaintiffs' actions were not consistent with this position, for they filed their bill of costs after only two of three pending motions for new trial were ruled on by the Court. To be consistent the Plaintiffs should have filed their bill of costs within ten (10) days after the last Motion For New Trial was ruled on by the Court.

of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rule 50(b), 52(b), 59(b), (d) and (e), and 60(b), except to the extent and under the conditions stated in them."

Such Rule by its clear language applies to time periods prescribed by the Federal Rules of Civil Procedure and not time periods prescribed by the Rules of this Court. In any event, procedure under the above Rule is discretionary with the Court and this Court will not exercise its discretion to do an act contrary to its own Rules.

The Plaintiffs did not comply with Local Rule 6(e) and have thereby lost their right to have the Clerk tax their costs. The action of the Clerk in refusing to tax the costs was correct and is approved by the Court. The Plaintiffs' Motion to order the Clerk to tax the costs or in the alternative to grant an extension of time in which to file their bill of costs is denied in its entirety.

It is so ordered this 26 day of March, 1971.


Fred Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MRS. EARLINE WALKER and
MRS. VICTORIA SANDERS,

Plaintiffs,

v.

No. 70-C-269

INDEPENDENT SCHOOL DISTRICT NO. 1
OF TULSA COUNTY, OKLAHOMA and
ROBERT BECKSTROM, RAY CONARD, CARL
C. BEESLEY, MRS. OPAL CARLSON,
EUGENE H. HARRIS, ROBERT J. RIGGS,
JR., and MRS. RICHARD S. WARNER,

Defendants.

FILED

MAR 29 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

Upon the Stipulation for Dismissal above by both parties for leave to dismiss and discontinue this action, it is hereby ordered that the Complaint be dismissed without prejudice with no further cost to either party and as a condition of dismissal, it is further ordered that in the event Independent School District No. 1 of Tulsa County, Oklahoma fails to re-open Douglass Elementary School or fails to pair Douglass Elementary School and Lindsey Elementary School as presently planned for the school year 1971-72 then plaintiffs shall be permitted to refile this action and all evidence and pleadings already introduced in evidence shall become automatically a part of the evidence and pleadings of the subsequent action without the necessity of further introduction of same.

Lred Daugherty
DISTRICT JUDGE

Dated March 29, 1971

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA